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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,857	12/28/2000	Takafumi Ito	04329.2492	6075

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,857	Applicant(s) ITO, TAKAFUMI	
	Examiner JOHN J. LEE	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments/Amendment

1. Applicant's arguments/amendments received on March 08, 2006 have been carefully considered but they are not persuasive because the teaching of all the cited reference reads on all the rejected and amended claims as set forth in the pervious rejection. Therefore, the finality of this Office Action is deemed proper.

Contrary to the assertions at pages 4 - 6 of the Arguments, claims 8 and 10 are not patentable.

During examination, the USPTO must give claims their broadest reasonable interpretation.

Re claims 8 and 10: Applicant argues that the combination of teaching of Takahashi (US 6,073,856) and Miyake (US 6,029,892) do not teach the amended claimed invention "an antenna provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing". However, The Examiner respectfully disagrees with Applicant's assertion that the combination of teaching of Takahashi and Miyake do not teach the claimed invention. Contrary to Applicant's assertion, the Examiner is of the opinion that Takahashi teaches data processing device has a base card having a main part and a removable identification part, and the identification part is bent along the folding grooves to separate the identification part from the main part and to remove the part of the short circuiting circuit formed on the identification part from the part of the same formed on the main part so that identification part separated from main part indicated by broken lines (see Fig. 1, 3 and column 3, lines

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8 – 54, more specifically, the data processing device has a identification part (could be IC card or data card) to separate from the main body part by removing the part of the short circuiting circuit form (kind of eject lever means same function as eject lever, such limitation is merely a matter of inventor choice and would have been obvious on the system of Takahashi)), regarding the claimed limitation. Also, Miyake teaches a kind of IC card can be readily inserted into a inner slot in a small cellular telephone and can be take out the IC card from a inner slot of the cellular telephone (it is inherently the cellular telephone has a antenna with main body and a eject lever exposing on the body since the IC card taken out from the inner slot of the cellular telephone) (see column 12, lines 18 – column 13, lines 25, Fig. 2, 6, and column 7, lines 59 – column 8, lines 42) regarding the claimed limitation. Furthermore, in combination of teaching of Takahashi and Miyake, data processing device has a removable IC card in Takahashi system as taught mobile telephone has a data processing device having a insertion slot with IC card and eject lever on the body by Miyake. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Takahashi system as taught by Miyake, provide the motivation to enhance data processing device for improving data adaptability in communication system.

Applicant's attention is directed to the rejection below for the reasons as to why this limitation is not patentable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 8 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Miyake (US Patent number 6,029,982).

Regarding **claim 8**, Takahashi discloses that a data processing apparatus (column 3, lines 55 – column 4, lines 47 and Fig. 2). Takahashi teaches that a casing having a card slot for inserting therein an IC card (10 in Fig. 3) (Fig. 1, 3 and column 4, lines 62 – column 5, lines 67, where teaches a IC card can separates from a main body). Takahashi teaches that the antenna is provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing (see Fig. 1, 3 and column 3, lines 8 – 54, specifically teaches the data processing device has a identification part (could be IC card or data card) to separate from the main body part by removing the part of the short circuiting circuit form (kind of eject lever means same function as eject lever, such limitation is merely a matter of inventor choice and would have been obvious on the system of Takahashi). Takahashi teaches that an antenna (13 in Fig. 3). Takahashi teaches that a first antenna terminal connected to the antenna (Fig. 1, 3 and column 4, lines 62 – column 5, lines 67, where teaches the antenna of main body terminal connected IC chip) and configured to connect the antenna to second antenna terminal incorporated in the IC card when the IC card is inserted in the slot (Fig. 1, 3 and column 4, lines 26 –

column 5, lines 67, where teaches IC card provides with separate antenna coils, and the antenna of main body terminal connected IC chip with cooperated the antenna coil of IC card as the IC card is in the main body slot), wherein the first antenna terminal and the second antenna terminal become connected upon the insertion of the IC card into the slot (Fig. 1, 3 and column 4, lines 26 – column 5, lines 67, where teaches the antenna terminal of main body terminal connected IC chip with cooperated the antenna terminal of IC card as the IC card is in the main body slot).

Takahashi does not specifically disclose the limitation “the antenna is provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing”. However, Miyake discloses the limitation “the antenna is provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing” (see column 12, lines 18 – column 13, lines 25, Fig. 2, 6, and column 7, lines 59 – column 8, lines 42, where teaches a kind of IC card can be readily inserted into a inner slot in a small cellular telephone and can be take out the IC card from a inner slot of the cellular telephone (it is inherently the cellular telephone has a antenna with main body and a eject lever exposing on the body since the IC card taken out from the inner slot of the cellular telephone). It would have been obvious to one having ordinary skill in that art at the time the invention was made to modify the Takahashi’s structure as taught by Miyake, provide the motivation to enhance data processing device for improving data adaptability in communication system.

Regarding **claim 10**, Takahashi and Miyake disclose all the limitation, as discussed in claim 8. Furthermore, Takahashi teaches that the antenna is provided on a

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surface of the casing (Fig. 1, 3 and column 4, lines 26 – column 5, lines 67, where teaches IC card provides with separate antenna coils on a surface of the main body).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Or P.O. Box 1450
Alexandria VA 22313

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or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on **(571) 272-7899**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
May 25, 2006

John J Lee


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600